HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G.V. SEETHAPATHY

WRIT APPEAL No.1235 OF 2004

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Between:

Jagtial Municipality,
Rep. By its Commissioner,
Jagtial, Karimnagar District

……Appellant

And

Smt. B. Geeta Rani and another

……Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri P. Radhakrishna

Counsel for Respondent No.1 : Sri A. Sudershan Reddy

Counsel for Respondent No.2 : Government Pleader for Municipal Administration

Dated: 27-07-2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 17-03-2004 passed by the learned Single Judge in Writ Petition No.10731 of 2002, whereby he set aside rejection notice dated 20-8-1998 issued by Jagtial Municipality in relation to the respondents claim for grant of permission to construct building on the land comprised in Survey No.133(0)/3.

We have heard learned counsel for the parties and perused the record. In our opinion, it is not necessary to decide the appeal by recording a detailed order because we are convinced that the direction contained in the order of the learned Single Judge for consideration of the fresh plan to be submitted by the writ petitioner is innocuous and does not in any manner affect the right of the appellant – Jagtial Municipality to enforce the provisions of the Andhra Pradesh Municipalities Act, 1965 and the building bye-laws and we feel that ends of justice would be met by directing that the fresh plan, which may be submitted by the petitioner shall be considered and decided by the competent authority of the municipality in accordance with the relevant statutory provisions without being influenced by the earlier rejection notice dated 20-08-1998 and the order of the learned Single Judge.

Hence, the appeal is disposed of with the direction that if the petitioner submits fresh application along with revised plan and complies with the relevant statutory provisions, then the competent authority of the municipality shall consider the same and pass appropriate order within two months after receipt of the application.

If it is found that the plan submitted by the petitioner does not conform to the provisions of the building bye-laws or other relevant statutory provisions, then the competent authority shall inform the petitioner about the deficiency and give reasonable opportunity to the latter to remove the deficiencies.

G.S.SINGHVI, CJ

GV. SEETHAPATHY,J

11-07-2006
ks/GRR